



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

December 31, 1998

Mr. Jason C. Marshall
Nichols, Jackson, Dillard, Hager
& Smith, L.L.P.
1800 Lincoln Plaza
500 North Akard
Dallas, Texas 75201

OR98-3309

Dear Mr. Marshall:

You have asked whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 120675.

The City of Coppell received a request for the forensic tests conducted in connection with a shooting. You assert that because the Coppell Police Department is still actively investigating the shooting, the records at issue are protected from disclosure under section 552.108 of the Government Code. You also indicate that one of the submitted documents and other documents have or will be released to the requestor, as these documents have already been made public. It also is our understanding that the records at issue have not been previously ruled upon by this office. Assuming, that the records have not already been released or ruled upon by this office, we agree that the submitted documents are protected from disclosure pursuant to section 552.108(a)(1) of the Government Code.

Section 552.108(a)(1) provides an exception from disclosure for information that is held by a law enforcement agency or prosecutor and that deals with the detection, investigation, or prosecution of crime, when release of such information would interfere with the detection, investigation, or prosecution of crime. Since you assert that there is an active criminal investigation, we agree that section 552.108(a)(1) protects this information from disclosure. Open Records Decision No. 216 at 3 (1978) (release of information during pending criminal case would interfere with prosecution of crime and law enforcement interests).

We are resolving this matter with an informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts presented to us in this request and should not be relied upon as a previous determination regarding any other records. If you have questions about this ruling, please contact our office.

Yours very truly,

A handwritten signature in black ink, appearing to read 'RHS', with a stylized flourish extending to the right.

Ruth H. Soucy
Assistant Attorney General
Open Records Division

RHS/rho

Ref: ID# 120675

Enclosures: Submitted documents

cc: Mr. Richard Jackson
5115 McKinney Avenue, Suite D
Dallas, Texas 75205
(w/o enclosures)